

[10901/82]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Alois BRANDL et al.  
Serial No. : 10/504,825  
Filed : August 16, 2004  
For : GEARING AS WELL AS A ROTARY ENCODER  
EQUIPPED WITH SUCH GEARING  
Examiner : Justin Krause  
Art Unit : 3682  
Confirmation No. : 2392

I hereby certify that this correspondence is being  
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Date: **May 1, 2008**  
Signature: /Julie Forero/

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE**

S I R:

This paper is responsive to the Office Action dated April 2, 2008 in  
connection with the above-captioned application.

**Remarks** begin on page 2 of this paper.

## **REMARKS**

The Office Action contends that the following alleged species lack unity of invention:

Alleged Species 1	-	Figures 1a to 1c
Alleged Species 2	-	Figures 2a to 2e and 3a to 3e
Alleged Species 3	-	Figure 4
Alleged Species 4	-	Figures 5 and 6a to 6c

Applicants provisionally elect Alleged Species 2, i.e., claims 2a to 2e and 3a to 3e, with **traverse**. Claims 19 to 32 and 37 to 44 correspond to the provisionally elected Alleged Species 2. Claims 19 to 32 and 37 to 44 are generic to multiple Alleged Species.

Applicants respectfully **traverse** the alleged lack of unity of invention for at least the following reasons.

As an initial matter, Applicants disagree with the contention that Figures 1a to 1c constitute a separate “species” from Figures 2a to 2e and 3a to 3e. In this regard, Figure 3a, for example, illustrates a drive gear 100, such as that illustrated in, e.g., Figures 1a to 1c, in its operation-appropriate position relative to an output gear 200, such as that illustrated in, e.g., Figures 2a to 2c. See, e.g., page 9, lines 32 to 33 of the Specification. Accordingly, to the extent that the alleged lack of unity of invention might be maintained, at least Figures 1a to 1c should be grouped with Figures 2a to 2e and 3a to 3e. Withdrawal -- or at least modification -- of the alleged lack of unity of invention is respectfully requested.

Respectfully submitted,

Date: May 1, 2008

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